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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL J. BORG and ALYSIA F. WURST

Appeal 2008-0101
Application 09/820,457
Technology Center 3600

Decided: April 22, 2008

Before TERRY J. OWENS, JENNIFER D. BAHR, and
JOHN C. KERINS, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

The Appellants appeal from a rejection of claims 1-19. Claims 20-25 have been canceled.

THE INVENTION

The Appellants claim a method and system involving retrieving data from component memory of a replaceable component from a printing device. Claims 1, 10 and 16 are illustrative:

1. A method, comprising:

retrieving printing device data from component memory of a replaceable component from a printing device used by a customer;

storing the printing device data in a customer database;

associating the printing device data with the customer; and

accessing the printing device data in the customer database to assist the customer with solving problems related to the printing device[.]

10. A system, comprising:

a recycling center to receive a used printing device replaceable component from a printing device of a customer, the printing device replaceable component including component memory integrated therewith; a customer database that stores customer information for multiple customers, including printing devices and printing device replaceable components used by the customers;

a data transfer center wherein printing device data is retrieved from the component memory and stored in the customer database; and

a customer service center configured to receive calls from the customer and provide operator access to the customer database so that the operator can view the printing device data.

16. A method for assisting customers having problems with printing devices that use replaceable components with integrated component memory, the method comprising:

compiling data retrieved from the component memory of a plurality of replaceable components into a customer database;

accessing the customer database to view compiled data that is related to a specific customer or to a printing device that is used by a specific customer to resolve a problem the customer is having with the printing device.

THE REFERENCES

Klinefelter	US 6,386,722	May 14, 2002 (filed Jan. 21, 2000)
Hardman	US 2002/0075145 A1	Jun. 20, 2002[1]

THE REJECTION

Claims 1-19 stand rejected under 35 U.S.C. § 103 over the combined disclosures of Klinefelter and Hardman.

OPINION

We reverse the Examiner's rejection.

Claim 1 requires retrieving data from component memory of a replaceable component from a printing device, storing the data in a database, associating the data with a customer, and accessing the data in the database.[2] Claim 10 requires a recycling center capable of receiving a used printing device component memory-containing replaceable component from a printing device, a customer database capable of storing information, a data transfer center capable of retrieving the data from the component memory, and a customer service center configured to receive calls and provide operator access to the database.[3] Claim 16 requires a method capable of

[1] Hardman, filed July 26, 2001, is a non-provisional of provisional application no. 60/220,896, filed July 26, 2000. The Appellants do not dispute that Hardman is prior art.
[2] The phrase "to assist the customer with solving problems related to the printing device" is not a positively recited method step but, rather, is mere intended use of the accessed data.
[3] The phrase "so that the operator can view the printing device data" is not a positively recited system limitation but, rather, is mere intended use of the data.

assisting customers having problems with printing devices that use replaceable components with integrated component memory, comprising compiling data retrieved from the component memory of a plurality of replaceable components into a database, and accessing the database.[4]

Klinefelter discloses a system for bidirectional transfer of data between an electronic printer and supplies used during its operation such as a ribbon supply roll or a supply of ink jet ink or toner (col. 1, ll. 9-11; col. 5, ll. 24-28, 54-56). A radio frequency (RF) transmitter/receiver circuit head or antenna, or read/write circuit head or antenna (42) is positioned adjacent to one end of a ribbon supply roll (14), and ribbon supply roll 14 has a radio frequency identification (RFID) tag (15) embedded in its core (14A) (col. 2, ll. 28-32; fig. 2). Transmitter/receiver or read/write head or antenna 42 includes circuitry (98) that provides signals to and from a printer controller microprocessor (70) (col. 3, ll. 59-60). Transmitter/receiver or read/write head or antenna 42 can provide signals that energize digital components on RFID tag 15 for transmission of data from RFID tag 15 back to transmitter/receiver or read/write head or antenna 42 which indicates the status of ribbon supply roll 14 (e.g., number or prints remaining), and some identification parameters such as the type of ribbon, serial number, lot code, data code, password or errors (col. 3, l. 60 – col. 4, l. 3; col. 4, ll. 18-24).

[4] The phrase "to view compiled data that is related to a specific customer or to a printing device that is used by a specific customer to resolve a problem that customer is having with the printing device" is not a positively recited method step but, rather is mere intended use of the accessed data.

Ribbon dye density information can be read from RFID tag 15 by transmitter/receiver 42 and provided to microprocessor 70 to adjust the print head (col. 4, ll. 11-17). Also, RFID tag 15 permits determining whether a ribbon can be used on a particular printer, and microprocessor 70 can verify the ribbon against the various printer settings to prevent operator error (col. 3, ll. 44-46; col. 4, ll. 42-44).

Hardman discloses an electronic tire management system including tire tags, where each tag (14) is attached directly to the inside of a tire (10) and has an electronic sensor circuit that conserves power by "sleeping" and periodically "waking-up" to measure and store tire parameters such as temperature and pressure (¶¶ 0002, 0013, 0077). Tire tag 14 includes a microcontroller and RAM device 16, one or more sensors (18), a tire tag antenna (20), and an RF circuit (14) for receiving signals from and transmitting signals to a remote interrogator (26) (¶ 77). Interrogator 26 includes an antenna (28), a reader/transceiver (30), and a reader processor (32) (¶ 0079). During forward link communication, data packets are sent from reader/transceiver 30 to tag 14, and during return link communication, data packets are sent from tag 14 to reader/transceiver 30 (¶ 0177). Antenna 28 is configured to receive signals from tag antenna 20 and to transmit data from interrogator 26 to tag 14. *See id*. Data from individual tires can be communicated to a vehicle monitoring system and can be downloaded over a communications link to a tire database in a remote server (50) (¶¶ 0081, 0108, 0136, 0139, 0258). The tire tag data can include a unique tire identifier, the most recently stored sensor data including tire pressure and temperature, wheel position of the tire on the vehicle, vehicle identification

number, alarm thresholds, wakeup time intervals, and a history of tire parameters sampled over a specified interval selected by the user (¶¶ 0115-0122, 0173, 0253, 0263, 0265). Tag 14 allows users to write user defined data such as wheel position, vehicle number and parameter thresholds into microcontroller and RAM device 16 (¶¶ 0152, 0263-0264). Additionally, Hardman teaches that the

> process of periodically awakening, taking sensor measurements, communicating such measurements to an external device, etc. can be used in embodiments other than a tire tag. For example, the disclosed process can be used to measure other vehicle parameters, such as vehicle/axle load(s), tire revolutions (mileage), exhaust emissions, oil pressure, battery charge, coolant levels, brake wear, transmission fluid level, power steering fluid level, brake fluid level, clutch fluid level, windshield wiper fluid level, status of headlights and taillights, etc. These parameters can be monitored in much the same way as tire parameters by using a tag that communicates with a remote device via a wireless protocol [¶ 0309].

The Examiner argues that it would have been obvious to one of ordinary skill in the art to apply Hardman's method to Klinefelter's printing device or vice versa because Hardman and Klinefelter have a similar goal of electronic memory tag RF communication (Ans. 6-7). The difference in functions of the devices, the Examiner argues, is minor and not critical (Ans. 7, 13).

To combine the teachings of Hardman and Klinefelter to arrive at the Appellants' claimed invention, one of ordinary skill in the art must have had an apparent reason for doing so. *See KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1740-41 (2007) ("Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known

to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue").

Hardman discloses:

> [0003] It is desirable to monitor tires for parameters such as temperature and pressure. It is particularly advantageous to monitor large tires for off-the-road (OTR) vehicles since the tires on these vehicles are very expensive and must be regularly maintained to maximize vehicle and tire efficiency.

Accordingly, Hardman monitors tires from a remote location (¶¶ 0081, 0108, 0110, 0136, 0173, 0188). Klinefelter, in contrast, communicates between a printer and a printer supply component such as RFID tag 15 on ribbon supply roll 14 (col. 3, l. 59 – col. 4, l. 24). The Examiner has not established that there would have been an apparent reason for one of ordinary skill in the art to communicate between Klinefelter's RFID tag 15 and a remote location. The Examiner's mere assertions that the differences between Hardman's and Klinefelter's applications are minor and not critical (Ans. 7, 13), and that the combination merely requires minor adjustment (Ans. 14), are not sufficient to provide that apparent reason. Nor is the Examiner's argument that the Appellants have not provided evidence of unexpected results (Ans. 6-7). The Examiner has the initial burden of establishing a prima facie case of obviousness, *see In re Piasecki*, 745 F.2d 1468, 1472 (Fed. Cir. 1984), and the Examiner has not done so.

Accordingly, we reverse the Examiner's rejection.

DECISION

The rejection of claims 1-19 under 35 U.S.C. § 103 over the combined disclosures of Klinefelter and Hardman is reversed.

REVERSED

vsh

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